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To: Microsoft ATR
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Subject: Microsoft Settlement

I want to add my voice to the comments the Court may consider in reviewing the proposed settlement between the Justice Department and several of the State plaintiffs and Microsoft. First, it should be clear that consumers have overwhelmingly selected Microsoft products over others. It is disdainful of the public to assume that this preference is not knowing or intended. Second, it should be equally clear from the public whining that many of Microsoft's competitors (and there are many, a testament to the strong competitive environment in this industry), that this litigation has been used as a substitute for competition by the providers of less desirable products (the many published interviews with Scott McNealy of Sun Microsystems, for example, are a testament to this, as is the relative performance of the competitors in the stock market). Third, it is transparent that the unreasonable and intransigent position taken by the nonsettling parties, Connecticut Attorney General Blumenthal being a prime example, as reported in the national press in various out of court statements by Mr. Blumenthal and others, is primarily motivated by politics, not economics or law. This case has been used to bash the success and innovation of Microsoft (a fat target because of its superiority) by those seeking a populist platform for their political ambitions. I urge the Court not to allow those whose motives have nothing to do with fair and open competition to hold back American technological competitiveness in the world market (note that when the shoe is on the other foot, as in the case of opponent America Online, no interference with its own instant messaging system is allowed). The notion of natural monopoly due to superior insight and innovation should not be frustrated by "wannabees" who are merely jealous of Microsoft's success or by politicians playing the fundraising and campaign rhetoric games--Mr. Blumenthal can set national antitrust policy if he is ever the Attorney General of the United States (or President). This case has done its public service in reaching a just and fair settlement which the Justice Department and a significant portion of the complaining States have freely negotiated for the benefit of the consuming public. It is time to get on with the next generation of technology and leave this case for the historical landmark it is. There can be no doubt that by the time the trial court has finished with this matter the entire context of the technology which it addresses will have changed without regard to legal principles as is only natural, for, to quote Abraham Lincoln, "...we have added the fuel of interest to the fire of genius." I urge the Court to sustain the settlement, as proposed. Steven A. Diaz, 3022 Fox Den Lane, Oakton, VA 22124.